

United States District Court
District of Massachusetts

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Docket No. 04-10303

U.S. DISTRICT COURT
DISTRICT OF MASS.

United States,

v.

Rashaun Scott,

Motion To Suppress Or For Franks Hearing

Now comes the defendant Rashaun Scott and moves that this court suppress the fruits of a search conducted by officers of the Brockton, Massachusetts Police Department on May 14, 2004 at his residence at 26 Victory Street in Brockton. In support thereof, the defendant states that the affidavit in application for the search warrant failed to establish probable cause, and that the resulting search violated his rights under the Fourth Amendment to the United States Constitution.

In the alternative, the defendant requests a hearing under *Franks v. Delaware*, 438 U.S. 154, 171 (1978). In support thereof, the defendant states that the affiant

knowingly or recklessly included material false statements
in his affidavit and that such information was key to a
showing of probable cause.

Respectfully submitted,

Rashaun Scott,
By his attorney,

A handwritten signature in dark ink, appearing to read "C. Samuel Sutter".

C. Samuel Sutter
B.B.O. # 542496
203 Plymouth Ave.
Building #7
Fall River, MA 02721
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UNITED STATES DISTRICT COURT
FOR DISTRICT OF MASSACHUSETTS

DOCKET NUMBER: 04-10303 RCL

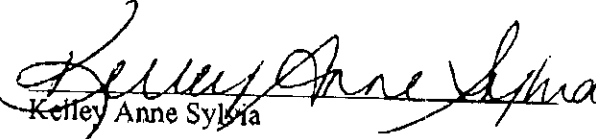
UNITED STATES OF AMERICA

V

CERTIFICATE OF SERVICE

RASHAUN SCOTT

I, Kelley Anne Sylvia, hereby certify that on Thursday, April 28, 2005, I sent a copy of Defendant's Motion to Suppress with accompanying Memorandum to United States Attorney Robert Richardson, 1 Courthouse Way, Boston, Massachusetts 02210.


Kelley Anne Sylvia